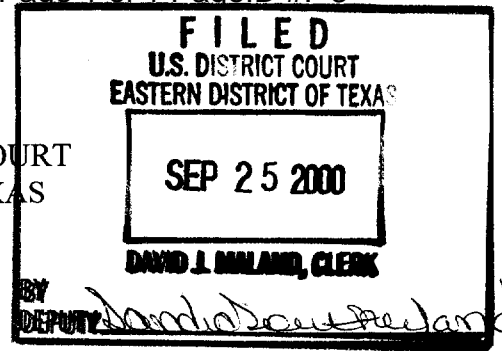


EOD 9-25-00

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION



JOHN AVALOS ALBA

§

Petitioner,

§

vs.

CIVIL ACTION NO. 4:98cv221

§

GARY L. JOHNSON, Director, Texas
Department of Criminal Justice,
Institutional Division,

§

§


Respondent.

ORDER

THIS MATTER comes before the Court on remand from the United States Court of Appeals for the Fifth Circuit. On August 24, 2000, that Court instructed this Court to grant in part the petition for a writ of *habeas corpus*, specifically Petitioner's claim that his death sentence was unconstitutional.

NOW THEREFORE, IT IS ORDERED that the Petitioner's death sentence is VACATED. The State of Texas shall impose a sentence of life imprisonment unless, within 180 days from the date of the entry of this Order, it conducts a new sentencing hearing in accordance with the constitution and laws of the United States.

SIGNED this 25 day of September, 2000


HON. PAUL BROWN
UNITED STATES DISTRICT JUDGE